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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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BARRY LYNN COX,

Plaintiff,

v.

KENNETH ARMSTRONG, et al.,

Defendants.

**ORDER ADOPTING  
RECOMMENDATION AND  
DISMISSING ACTION**

Case No. 4:24-cv-00022-AMA-PK

District Judge Ann Marie McIff Allen

Magistrate Judge Paul Kohler

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Before the Court<sup>1</sup> is the Report and Recommendation issued by United States Magistrate Judge Paul Kohler on March 5, 2024, recommending this action be dismissed based on doctrines of abstention and immunity.<sup>2</sup> The parties were notified of their right to file objections to the Report and Recommendation within fourteen days of service.<sup>3</sup> Plaintiff Barry Lynn Cox filed two documents that appear to constitute timely objections.<sup>4</sup> “De novo review is required after a party makes timely written objections to a magistrate’s report.” *Northington v. Marin*, 102 F.3d 1564, 1570 (10th Cir. 1996); *see* 28 U.S.C. § 636(b)(1) (“A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.”).

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<sup>1</sup> This case was reassigned from Judge Nuffer to the undersigned on May 13, 2024. ECF No. 23.

<sup>2</sup> As to Defendants Director Caras and Governor Cox, Magistrate Judge Kohler also points out the Complaint lacks any clear legal or factual theory of liability. Plaintiff does not appear to challenge this portion of the Report and Recommendation. Nonetheless, out of an abundance of caution, the Court reviews this portion de novo as well, though Plaintiff offers no argument on these points.

<sup>3</sup> *See* R. & R., ECF No. 14.

<sup>4</sup> The first is captioned “Reconsider Report and Recommendation,” ECF No. 17; and the second is captioned “Obstruction of Justice,” ECF No. 18.

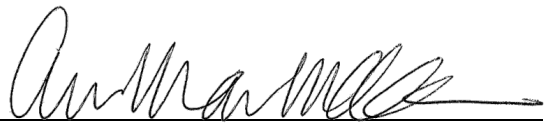
In his objections, Plaintiff contends Magistrate Judge Kohler acted prematurely by recommending dismissal of the Complaint. Plaintiff then proceeds to argue the substance of his case, which challenges a speeding ticket and subsequent adjudications (related to that alleged speeding offense and Plaintiff's driver license).

Having reviewed all relevant materials, including the reasoning set forth in the Magistrate Judge's Report and Recommendation, the Court overrules Plaintiff's objections and adopts the recommendation, finding that abstention is appropriate under *Younger*, that the doctrines of judicial and prosecutorial immunity bar the claims against the judge and prosecutor, and that Plaintiff has not stated any cognizable claim against Director Caras or Governor Cox.

**ORDER**

Based on the foregoing, the Court ADOPTS the Report and Recommendation, ECF No. 14, and DISMISSES Plaintiff's Complaint and this action.

DATED this 6th day of June 2024.

  
Ann Marie McIff Allen  
United States District Judge